

A regular meeting of the Troy Building Code Board of Appeals was held Wednesday, March 3, 2004 at City Hall in the Lower Level Conference Room. Ted Dziurman, Chairman, called the meeting to order at 8:30 A.M.

PRESENT: Ted Dziurman  
Rick Kessler  
Bill Nelson  
Tim Richnak  
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Ginny Norvell, Inspector Supervisor  
Pamela Pasternak, Recording Secretary

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF FEBRUARY 4, 2004**

Motion by Richnak  
Supported by Nelson

MOVED, to approve the minutes of the meeting of February 4, 2004 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

**ITEM #2 – VARIANCE REQUEST. BEACON SIGN, 208 W. 14 MILE**, for relief of Chapter 78 to install five (5) signs at 208 W. 14 Mile Road.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install five (5) additional signs at a new commercial building. The existing building has two 43 square foot wall signs, one on the south elevation and one on the east elevation. The plans submitted propose an additional 43 square foot wall sign on the west elevation. In addition, they propose three (3) 22 square foot signs to be mounted on projecting canopies on the south, east and west elevations. These signs project out 48" from the wall of the building. Signs projecting more than 12" from the face of the building are prohibited by Section 7.01.04. They also propose to install one additional wall sign that is 2.3 square feet on the east elevation. The total area of this signage package is proposed to be 197 square feet. Section 9.02.04 of Chapter 78 limits the signage for a building this size to not more than 97 square feet.

In addition, they are proposing an 84 square foot ground sign, 15 feet in height, and setback 30 feet from the right of way. Section 9.02.04 of the Ordinance permits the Oakland Mall development to have two (2) ground signs. There are currently more than two ground signs on the site. The proposed ground sign exceeds the number of ground signs permitted.

**ITEM #2 – con't.**

This item first appeared before this Board at the meeting of February 4, 2004 and was postponed to allow the petitioner the opportunity to be present.

Mr. John DiNunzio and Mr. Skip Pappas of Fairmont Signs were present. Mr. DiNunzio stated that they were in fact sub-contracting this job to Beacon Signs. Mr. DiNunzio explained that Krispy Kreme has put together a sign package that is used across the United States in order to identify their Corporation. Krispy Kreme would like the same signs used so their locations are easily identifiable. Mr. DiNunzio explained that he believes traffic heading east on Fourteen Mile Road can see the building but does not believe it is identifiable until you are actually up near the building.

Mr. Dziurman asked about the signage on the canopy around the building and Mr. DiNunzio stated that this canopy is an architectural enhancement, and Krispy Kreme wants to be able to list coffee as well as donuts as one of their product lines. Mr. DiNunzio said that Krispy Kreme is hoping to increase the sale of coffee. Mr. Dziurman asked exactly what would be on this canopy and Mr. DiNunzio stated it would list Coffee & Donuts. Mr. Dziurman then asked about the request for a ground sign and Mr. DiNunzio again stated that this would be an identification sign and would be similar to the sign erected by Standard Federal.

Mr. Dziurman then asked if they would be allowed to install a pylon sign and Mr. Stimac explained that the pylon sign that is presently on the site is part of the overall Oakland Mall Sign. Mr. Stimac also said that the Standard Federal lot is not a part of the Oakland Mall lot and is on a separate parcel.

Mr. Dziurman pointed out that they had received a letter from Douglas Mossman of Oakland Mall stating that they are against an additional ground sign. Mr. Dziurman then clarified that basically the petitioner is asking for the following three (3) items: a 43 square foot sign on the west elevation; three (3) 22 square foot signs to be mounted on the canopies and an 84 square foot ground sign. Mr. Stimac said that was correct and pointed out that they have received approval for a 2.3 square foot sign on the south side however, the petitioner has not installed it at this time.

Mr. Kessler stated that he did not see a hardship at this location to allow for the additional signage. He further stated he is quite familiar with this site and felt that the existing signage was adequate and therefore did not feel there was any type of hardship, which would justify the variance. Mr. Kessler suggested that if they wished to increase coffee sales, they may consider adding the word coffee to their Marquee signs.

Mr. DiNunzio stated that he did not feel the traffic heading eastbound would be able to determine what type of business this was. Mr. Kessler said that he felt that one more wall sign would be more than sufficient to identify this site.

**ITEM #2 – con't.**

Mr. Richnak pointed out that traffic heading eastbound has to pass this location and then make a "Michigan Left" in order to access this site. Mr. Richnak explained there is not a direct drive into this area. Mr. DiNunzio stated that there is a driveway into the mall and believes that the ground sign would give drivers enough time to get over into the correct lane and turn into this location.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written objection on file. There are no written approvals on file.

Motion by Richnak  
Supported by Kessler

MOVED, to grant Beacon Sign, 208 W. 14 Mile, relief of Chapter 78 to install **one (1) additional 43 square foot wall sign on the west side of the building**, identical to the signs on the Southern and Eastern sides of the building; and to **DENY** the request for the 84 square foot ground sign and three (3) additional signs on the canopies.

- Previously approved 2.3 square foot wall sign would be allowed.
- Variance would not be contrary to public interest.

Yeas: All – 5

MOTION TO **APPROVE** REQUEST FOR **ONE** ADDITIONAL 43 SQUARE FOOT WALL SIGN AND TO **DENY** REQUEST FOR **ONE-GROUND SIGN & THREE** CANOPY SIGNS CARRIED.

**ITEM #3 – VARIANCE REQUEST. NORTHSTAR LIGHTING & SIGN, REPRESENTING DEMPSTER DESIGNS, 3271-3303 ROCHESTER ROAD**, for relief of Chapter 78 to replace the existing 312 square foot ground sign at Troy Pointe Shops.

The Chairman moved this item to the end of the agenda, Item #6, to allow the petitioner the opportunity to be present.

**ITEM #4 – VARIANCE REQUEST. PHILLIPS SIGN & LIGHTING, 6950 ROCHESTER ROAD**, for relief of Chapter 78 to alter the existing 145 square foot ground sign, located in the ultimate right of way.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to alter the existing 145 square foot ground sign, located in the ultimate right of way. Section 9.01, Table B of the Sign Ordinance requires a sign of this size to be setback 30' from the 90' ultimate right of way line (120' from the centerline of Rochester Road). The proposal is

**ITEM #4 – con't.**

to alter the existing sign located in the ultimate right of way, 82' from the centerline of the road.

Mr. Ed Phillips of Phillips Sign & Lighting and Mr. Frank Petruzzello were present. Mr. Phillips explained that they are proposing to modernize the existing sign and if they have to move the sign back it would cause a hardship due to the amount of traffic on Rochester Road. Mr. Phillips went on to say that they are going to add an electronic changeable sign and will maintain the 60-second messaging allowed by Troy. Mr. Phillips indicated that he feels the present location of the sign is a "safe" environment and believes it will enhance the area.

Mr. Dziurman asked if the petitioner would bear the cost of moving the sign if Rochester Road were to be widened. Mr. Petruzzello stated that they would move the sign at their own cost. Mr. Phillips said that the electronic sign will reduce the number of banners they use.

The chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no complaints or objections on file.

Mr. Zuazo asked if there were any other setback restrictions due to the fact that this would be a data sign. Mr. Stimac explained that the only restriction to the sign is that it cannot be similar to a traffic device, but that the setbacks remain the same.

Mr. Nelson stated that he thought this sign was placed approximately 7' from the sidewalk. Mr. Phillips said it was closer to 8' from the sidewalk.

Mr. Stimac explained that 75' was the right of way at the time the original sign was installed. Mr. Stimac further stated that the right of way does not follow the section line; it follows the centerline of the road. Mr. Richnak explained that this is partially due to the fact that the two-township section lines stagger somewhat at the border.

Mr. Nelson asked if anyone was aware of any proposed changes to Rochester Road. Mr. Richnak said that approximately one year ago he had spoken to Oakland County and the City's Engineering Department and there are no plans in the foreseeable future to widen Rochester Road.

Motion by Nelson  
Supported by Richnak

**ITEM #4 – con't.**

MOVED, to grant Phillips Sign & Lighting, 6950 Rochester Road, relief of Chapter 78 to alter the existing 145 square foot ground sign, located in the ultimate right of way, 82' from the centerline of the road.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Petitioner will move location of this sign in the event that Rochester Road is widened at no cost to the City of Troy.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

**ITEM #5 – AMENDMENTS TO THE RULES OF PROCEDURE OF THE BUILDING CODE BOARD OF APPEALS.**

Mr. Stimac explained to the Board members that most of the changes in the Rules of Procedure were either editorial changes or grammatical changes. Mr. Richnak asked that Item B and Item C on page one be changed to "gender neutral" text.

Motion by Richnak  
Supported by Nelson

MOVED, to approve the amendments to the Rules of Procedure of the Building Code Board of Appeals as presented with the following additional changes.

- Item B on Page One will be changed from he to he/she.
- Item C on Page One will be changed from his to his/hers.

Yeas: All – 5

MOTION TO APPROVE AMENDMENTS TO THE RULES OF PROCEDURE OF THE BUILDING CODE BOARD OF APPEALS CARRIED

**ITEM #6 (ITEM #3) - VARIANCE REQUEST. NORTHSTAR LIGHTING & SIGN, REPRESENTING DEMPSTER DESIGNS, 3271-3303 ROCHESTER ROAD,** for relief of Chapter 78 to replace the existing 312 square foot ground sign at Troy Pointe Shops.

The petitioner was not present. Mr. Richnak asked Mr. Stimac to present this item to the Board.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to replace the existing 312 square foot ground sign at Troy Pointe Shops with a sign that is 160 square feet in size and setback 15' from the Rochester Road Right of Way and 13' from the

**ITEM #6 – con't.**

Harris Street Right of Way. Section 9.02.04, B of the Sign Ordinance requires a sign of this size be placed 30' setback from both rights of way.

Mr. Stimac further explained that the petitioner would install a new sign that is smaller but would remain in the same location. The petitioner would also eliminate the changing message sign and reduce both the height and width of the sign; therefore, increasing the setback from Rochester Road by approximately 1 foot.

Mr. Dziurman asked if Rochester Road would be widened in this location and Mr. Stimac informed him that this section of Rochester Road has already been widened.

Mr. Nelson asked a question regarding the setback to Harris and Mr. Stimac explained that this is a corner lot, and therefore requires a variance from both right of ways. Mr. Nelson stated that he did not feel this sign could go in any other location.

Mr. Dziurman asked if they could locate the sign in the parking lot and Mr. Kessler stated that they would have to eliminate a parking space, which would then require them to obtain a parking variance from City Council.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Richnak  
Supported by Nelson

MOVED, to grant Northstar Lighting & Sign, representing Dempster Designs, 3271-3303 Rochester Road, relief of Chapter 78 to replace the existing 312 square foot ground sign at Troy Pointe Shops.

- New sign will be smaller than existing sign.
- Literal Enforcement of the Ordinance would be unnecessarily burdensome.

Yeas: All – 5

**MOTION TO APPROVE VARIANCE CARRIED**

Mr. Richnak also stated that in the future the Board feels that this petitioner should make an effort to be represented.

The Building Code Board of Appeals meeting adjourned at 9:14 A.M.

A handwritten signature in cursive script, appearing to read "Ted Dziurman", written over a horizontal line.

Ted Dziurman, Chairman

A handwritten signature in cursive script, appearing to read "Pamela Pasternak", written over a horizontal line.

Pamela Pasternak, Recording Secretary